

Chadick	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Mart'n	York

**Absent—Excused**

Kelley	Stone
Lemens	Winfield
Spears	

**Advance Printing of Senate Bills**

On motion of Senator Stone, and by unanimous consent, S. B. No. 191 was ordered printed in advance of its consideration in committee.

On motion of Senator Bullock, it was ordered that S. B. No. 172 be printed in advance of its consideration in committee.

**Adjournment**

On motion of Senator Lovelady, the Senate, at 1:00 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, February 22, 1943.

**TWENTY-SECOND DAY**

(Monday, February 22, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Mart'n
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 18, 1943 was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator York was granted leave of absence for today on account of illness, on motion of Senator Ramsey.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Moore.

**Senate Bills on First Reading**

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Mauritz:

S. B. No. 199, A bill to be entitled "An Act authorizing the State of Texas to invest certain funds in Defense Bonds or other obligations of the United States of America, and authorizing any political subdivision of the State of Texas which heretofore has issued and sold bonds and is unable to obtain labor and materials to carry out the purpose for which the bonds were issued may invest the proceeds now on hand in Defense Bonds or other obligations of the United States of America; providing that whenever war time or any other regulations shall permit such political subdivisions to acquire the necessary labor and materials the bonds of the United States in which said proceeds are invested shall be sold or redeemed and the proceeds of said bonds shall be used for the purpose for which the bonds of any such subdivision were authorized; and declaring an emergency."

To Committee on State Affairs.

By Senator Aikin:

S. B. No. 200, A bill to be entitled "An Act to be known as the Uniform Stock Transfer Act; providing how title to Certificates and Shares may be transferred; making a certificate fully negotiable; providing that delivery of an unindorsed certificate imposes an obligation to indorse; providing for warranties on sale of certificate; restricting attachment or levy against shares; making provisions regarding altered, lost or destroyed certificates; containing definitions; repealing Article 1334, Revised Civil

Statutes, 1925, as amended, and any other Acts or parts of Acts inconsistent with this Act; providing a savings clause; and declaring an emergency."

To Committee on Banking.

By Senator Stone:

S. B. No. 201, A bill to be entitled "An Act to amend Section 1 of H. B. No. 8, Chapter VIII, General Laws of the Twenty-eighth Legislature, as heretofore amended, (the same being an Act granting aid to the City of Galveston to enable it to protect itself against calamitous overflows) so as to grant to the City of Galveston taxes due and payable prior to September 1, 1943 and collected prior to September 1, 1948; and declaring an emergency."

To Committee on State Affairs.

By Senator Fain:

S. B. No. 202, A bill to be entitled "An Act requiring all State and district officers that are appointed by the Governor of Texas and are required to be confirmed by the Senate of Texas, to take the oath of office and qualify within ten days from the date of the confirmation of such appointee by the Senate of Texas; requiring that the failure of such person to qualify within the time required by this Act, shall forfeit his right to such office and the same shall thereby become vacant; repealing all laws or parts of laws, both general and special, in conflict with this Act; and declaring an emergency."

To Committee on State Affairs.

#### Senate Joint Resolution 5 on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments.

By Senator Ramsey:

S. J. R. No. 5, Proposing an amendment to the Constitution of the State of Texas by amending Sections 1, 16, 18, 24 and 28 of Article 5, Section 40 of Article 16, Section 56 of Article 3, and revoking and repealing Section 19 of Article 5, so as to do away with Justices of the Peace and Constables, and conferring upon the County Courts jurisdiction of all cases civil and criminal formerly within the jurisdiction of the Courts of Justices of the Peace.

#### Senate Resolution 41

(Courtesies to Hon. Walter Woodul and Ensign Walter Woodul, Jr.)

Senator Moore offered the following resolution:

Whereas, Honorable Walter Woodul, former Lieutenant Governor of Texas, is in the Capitol;

Whereas, He is accompanied by his son, Ensign Walter Woodul, Jr., of the United States Navy; now, therefore, be it

Resolved by the Senate of Texas, That Honorable Walter Woodul be invited to address the Senate and that he and Ensign Woodul be extended the privileges of the floor for the day.

MOORE,  
BECK,  
LEMENS,  
AIKIN.

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed Senators Moore, Beck, and Stone to escort Hon. Walter Woodul to the President's desk.

The committee performed the duty assigned it, and Senator Moore presented Hon. Walter Woodul to the Senate.

Mr. Woodul addressed the Senate briefly.

#### Bills Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, and their captions had been read, the following enrolled bills:

H. B. No. 58, A bill to be entitled "An Act amending Chapter 241, Acts of the Forty-third Legislature, Regular Session, as amended by Chapter 21, Acts of Forty-third Legislature, Second Called Session, so as to make all of the provisions of such Act inapplicable to amateur tournaments where such tournaments are not conducted for profit, and the participants therein receive no remuneration and such tournaments and exhibitions are held for the purpose of qualifying individuals to enter Statewide or National competition; and declaring an emergency."

H. B. No. 241, A bill to be entitled "An Act amending Section 1 and Section 3 of S. B. No. 88, Chapter

205, Acts of the Regular Session of the Forty-seventh Legislature so as to provide for the payment to authorized agents for the issuance of fishing licenses issued to those who fish in the water of Lake Worth and Eagle Mountain Lake; amending S. B. No. 88; etc.; and declaring an emergency."

#### Motion to Take up Senate Bill 125

Senator Aikin moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session be suspended, and that S. B. No. 125 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the Senate's entire membership):

#### Yeas—16

Aikin	Jones
Beck	Lane
Brownlee	Lemens
Bullock	Lovelady
Chadick	Moore
Cotten	Stone
Fain	Sulak
Hazlewood	Vick

#### Nays—11

Formby	Moffett
Graves	Morris
Lanning	Ramsey
Martin	Weinert
Mauritz	Winfield
Metcalf	

#### Absent—Excused

Kelley	Spears
Shivers	York

#### Senate Resolution 42

(Address by Hon. G. H. Nelson)

Senator Formby, by unanimous consent, offered at this time the following resolution:

Whereas, The Hon. G. H. Nelson of Lubbock, Texas, former State Senator of the 30th Senatorial District of Texas, is a visitor in the Capitol; and

Whereas, The Hon. G. H. Nelson served long and well in this Body; now, therefore, be it

Resolved, That the courtesy of the floor of the Senate be extended to the Hon. G. H. Nelson, and that he be introduced to this Body.

The resolution was read and was adopted.

Accordingly, the President appointed Senators Formby, Martin, and Cotten as a committee to escort Hon. G. H. Nelson to the President's stand.

The committee performed the duty assigned it, and Senator Formby presented Hon. G. H. Nelson to the Senate.

Mr. Nelson addressed the Senate briefly.

#### Report of Committee to Investigate Shortage of Feeds

Senator Brownlee asked unanimous consent that a transcript of the proceedings of the special committee to investigate the shortage of feeds be printed as a separate supplement to the Journal of Monday, February 22, 1943.

There was no objection offered, and it was so ordered.

#### Senate Bill 118 on Second Reading

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 118, A bill to be entitled "An Act appropriating to the State Soil Conservation Board monies for payment of mileage claims of district supervisors for the fiscal year ending August 31, 1942, and August 31, 1943; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Moffett offered the following committee amendment to the bill:

Amend S. B. No. 118 by striking out the words and figures "Nine Thousand (\$9,000.00)" and substituting in lieu thereof the words and figures "Eight Thousand and Five Hundred (\$8,500.00)", and striking out the words and figures "Twelve Thousand (\$12,000.00)" and inserting in lieu thereof the words and figures "Ten Thousand and Five Hundred, (\$10,500.00)".

The committee amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 118 on Third Reading**

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Morris
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

Nays—1

Cotten

Absent

Ramsey

Absent—Excused

Kelley	Spears
Shivers	York

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Morris
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

Nays—1

Cotten

Absent

Ramsey

Absent—Excused

Kelley	Spears
Shivers	York

**Senate Bills on First Reading**

By unanimous consent, the following bills, at this time, were introduced, read severally, and referred to the committees indicated:

By Senator Fain:

S. B. No. 203, A bill to be entitled "An Act to assure full and equal accommodations, rights, and privileges to all persons of the Caucasian Race in all public places of business or amusement in Texas, providing penalties, repealing all laws in conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senator Fain:

S. B. No. 204, A bill to be entitled "An Act creating a special and more efficient road system for Leon County, in the State of Texas, and making the County Commissioners ex-officio Road Commissioners and prescribing their powers and duties as such; providing for the condemnation of lands and other property by said County for the purpose of laying out and establishing roads and for straightening, widening or draining any established road, and for the condemnation of any timber, earth or other material for the construction and maintenance of public roads and to provide for compensation for the lands and materials so condemned; providing the powers and duties and liabilities of road overseers; providing for the issuance of refunding bonds of said County against the road and bridge fund, without notice or an election; providing for the levying of an annual ad valorem tax to pay said bonds and interest thereon, validating said bonds; providing further, making this Act cumulative of the General Laws now in force; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act; and declaring an emergency."

To Committee on Counties.

By Senator Hazlewood:

S. B. No. 205, A bill to be entitled "An Act to amend Subsection 69 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the time and terms of holding the 69th District Court in Farmer, Deaf Smith, Oldham, Moore,

Hartley, Sherman, and Dallam Counties, constituting the 69th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of Court in said counties and district, as herein fixed, to validate the summoning of grand and petit juries under this Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 206, A bill to be entitled "An Act to amend Subdivision 84 of Article 199, of the Revised Civil Statutes of Texas, 1925, so as to change the length of the terms of District Court in Carson, Hutchinson, Hansford, Ochiltree, and Hemphill Counties, constituting the 84th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under this Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 207, A bill to be entitled "An Act amending an Act of the Regular Session of the Forty-seventh Legislature declaring and recognizing for certain tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States military, naval, or marine forces, instrumentalities and agencies of the United States, being Chapter 14 of the General and Special Laws passed by the Forty-seventh Legislature at its Regular Session in 1941, by adding thereto two new Sections, providing that Veterans hospitals established and operated within the State of Texas by or in conjunction with the Veterans Administration shall be recognized for such tax purposes as therein set out to be instrumentalities and agencies of the United States Government; that the provisions of said law shall extend and

apply to such Veterans hospitals; providing that where cigarettes have been heretofore sold by a Veterans hospital or its concessionaire without collecting the State stamp tax thereon while acting in good faith under the belief that such cigarettes were not subject to a State stamp tax, none of such taxes shall now be collected; and declaring an emergency."

To Committee on State Affairs.

By Senator Morris:

S. B. No. 208, A bill to be entitled "An Act amending Article 2673, Revised Statutes of 1925, as amended by Chapter 278, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

To Committee on Education.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 18, Recalling S. B. No. 79 from the Governor's office for correction.

H. C. R. No. 39, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 200.

H. C. R. No. 40, Granting each House permission to adjourn from Friday, February 19, to Tuesday, February 23, 1943.

S. C. R. No. 20, Inviting Fulton Lewis, Jr., to address the Legislature.

S. B. No. 142, A bill to be entitled "An Act to amend Subdivision 100 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in four counties, constituting the 100th Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 177, A bill to be entitled "An Act to amend Subdivision 3 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the Third District Court in Anderson, Henderson and Houston Counties, con-

stituting the Third Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 194, "An Act providing an appropriation of \$10,000 for a boiler for Southwest Texas State Teachers College, etc.; and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act providing for the suspension of the running of the primary and principal terms of certain State leases by the School Land Board in certain instances; and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act to amend Section 1 of H. B. No. 271, Acts of the Regular Session of the Forty-seventh Legislature, the Judiciary Appropriation bill, by adding thereto a new Section to be known as Section 1a, to make an appropriation of \$2,600 for the payment of compensation or fees to attorneys, including county attorneys, who, since January 1, 1940, to the effective date of this Act, have performed the duties of a district attorney pursuant to the provisions of Articles 26 and 31 of the Code of Criminal Procedure of Texas; etc.; and declaring an emergency."

H. B. No. 145, A bill to be entitled "An Act to amend Subdivision 109 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 109th District Court in Reeves, Ward, Winkler, Crane, Andrews, and Loving Counties, constituting the 109th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 146, A bill to be entitled "An Act to amend Subdivision 70 of Article 199, Title 9, of the Revised Statutes of Texas, 1925, as to holding court in Howard, Martin, Midland, Ector and Glasscock Counties, constituting the 70th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act fixing the compensation and salaries of members of the Commissioners' Court of certain counties having a population of not less than twenty-five thousand, five hundred, (25,500), and not more than twenty-six thousand, two hundred, (26,200), inhabitants, according to the Federal Census of 1940, in which a military

camp is now established or may be established; and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act fixing the compensation and salaries of Constables and Justices of the Peace in all counties in this State having a population of not less than twenty-five thousand, five hundred (25,500) and not more than twenty-six thousand, two hundred, (26,200), and containing a city having a population of not less than thirteen thousand (13,000) and not more than fourteen thousand (14,000) inhabitants, according to the last preceding Federal Census of 1940, within the boundaries of which county is located a military camp; and declaring an emergency."

H. B. No. 153, A bill to be entitled "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Statutes of 1925, as amended by Act of the Forty-fifth Legislature at its Regular Session, page 484, Chapter 246, and providing for changing and prescribing terms and times for holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; etc.; and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act to amend Subdivision 33 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the length of the terms of District Court and the time of holding the terms of District Court in Gillespie, Mason, Blanco, Menard, San Saba, Llano, and Burnet Counties, constituting the Thirty-third Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 171, A bill to be entitled "An Act to amend Articles 7005 and 7008, Chapter 7, Title 121 of the Revised Civil Statutes, placing the Counties of Zavalla and Dimmit among the exempted counties from the provisions of Chapter 7; and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act to amend Section 9 of H. B. No. 10, Chapter 67 of Fifth Called Session of the Forty-first Legislature providing for the insertion after the word 'department' the words 'State

institutions' and repealing S. J. R. No. 26, Acts of the First-first Legislature, Regular Session."

H. B. No. 225, A bill to be entitled "An Act to authorize the appointment and employment of a 'Night Chief Deputy' in addition to the first assistant or Chief Deputy now authorized, in the sheriff's office in all counties having a population of five hundred thousand (500,000) or more, according to the last preceding Federal Census, fixing the salary, the method and manner of making the appointment and employment, requiring two years prior service as deputy sheriff as a prerequisite to this appointment, etc.; and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than eight thousand and seven hundred (8,700) and not more than nine thousand (9,000), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling in connection with the use of his automobile on official business; etc.; and declaring an emergency."

H. B. No. 245, A bill to be entitled "An Act granting permission to Eunita Mae Adams, a minor, to bring suit against the State of Texas and/or Highway Department of Texas in a court of competent jurisdiction, in Jones County, Texas, for damages for personal injuries alleged to have been sustained by her while riding in an automobile with her father, Lyle Adams who was driving said automobile, which said automobile was run into and struck by another automobile owned by the State of Texas and being driven by an employee of the State of Texas, to-wit, W. A. Haynes, on or about the 11th day of July, 1941, at the intersection of two lateral highways in Jones County, Texas, known as the Mc-Christian Road and the road known as the Compress Road; etc.; and declaring an emergency."

H. B. No. 258, A bill to be entitled "An Act fixing the salaries and traveling expenses for County Commissioners in counties of not less than twelve thousand (12,000) and not more than twelve thousand, one hundred, (12,100) inhabitants; etc.; and declaring an emergency."

H. B. No. 259, A bill to be entitled "An Act to fix the salaries of County Superintendents of Schools in all counties having a population of not less than twenty-seven thousand and fifty (27,050) nor more than twenty-seven thousand, one hundred (27,100) according to the last Federal Census, and which counties have a valuation of not less than Fifty Million (\$50,000,000) Dollars as shown by the last preceding assessment roll and also have a Negro scholastic population of 1350 or more in which there is no Educational Supervisor of Negro Schools other than the County Superintendent; etc.; and declaring an emergency."

H. B. No. 260, A bill to be entitled "An Act authorizing the Commissioners Court in each county in this State having a population of not less than eighteen thousand, four hundred and forty-four (18,444) and not more than eighteen thousand, five hundred (18,500); etc.; and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act to amend Chapter 88, Section 13, Acts of the Forty-first Legislature, Second Called Session as amended by the Acts of the Forty-third Legislature, Chapter 178, Section 1, to permit the State Highway Department to issue for the 1943, 1944, and 1945 registration years single plate or plates of metal or other materials, symbols, tabs, devices, in connection with or in lieu of the motor vehicle license plate or plates; etc.; and declaring an emergency."

H. B. No. 338, A bill to be entitled "An Act making an appropriation of Nineteen Thousand Six Hundred and Twenty-five (\$19,625.00) Dollars to the Cigarette Tax Stamp Board for the purpose of purchasing 175,000,000 additional cigarette tax stamps under an existing contract between this State and the Steck Company, Austin, Texas; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Senate Bill 143 on Second Reading

Senator Lane moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of

the Legislature be suspended and that S. B. No. 143 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Kelley	Spears
Shivers	York

The President pro tempore laid before then Senate on its second reading and passage to engrossment:

S. B. No. 143, A bill to be entitled "An Act to amend Title 14 of the Revised Civil Statutes of Texas, 1925, by adding Article 307A so as to provide that law licenses shall be issued to the graduates of certain law schools who are citizens of Texas in the military service of the United States and whose military service commenced before the date set for the State Bar Examinations next following their graduation from said law schools; setting a time for application for such licenses; defining military service; providing that if any portion of this Act shall be held invalid or unconstitutional the other portions shall remain in effect; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Beck offered the following amendment to the bill:

Amend S. B. No. 143, line 25, after word "United States" by inserting "or Federal Bureau of Investigation."

Senator Lane moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17

Aikin	Moffett
Brownlee	Moore
Jones	Ramsey
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	

Nays—9

Beck	Formby
Bullock	Graves
Chadick	Lemens
Cotten	Morris
Fain	

Absent

Hazlewood

Absent—Excused

Kelley	Spears
Shivers	York

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 143 by inserting in line 25 after the word "such" the following words: "citizenship of Texas and such"

Senator Lane moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—23

Aikin	Lemens
Beck	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Weinert
Lane	Winfield
Lanning	

Nays—4

Brownlee	Martin
Lovelady	Vick

Absent—Excused

Kelley	Spears
Shivers	York

Senator Lovelady offered the following amendment to the bill:

Amend Section 307A of S. B. No. 143 of the printed copy by adding after the word "schools" in line 23, page one of the bill the following: "and all persons otherwise qualified under now existing laws or rules set out by the Supreme Court of Texas for the taking of the State Bar Examinations."

(Senator Mauritz in the Chair.)

On motion of Senator Lane, the amendment was tabled.

The bill was passed to engrossment.

#### Senate Bill 143 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield

Nays—1

Morris

Absent—Excused

Kelley	Spears
Shivers	York

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Bullock	Graves
Chadick	Hazlewood

Jones	Moffett
Lane	Moore
Lanning	Ramsey
Lemens	Stone
Martin	Sulak
Mauritz	Vick
Metcalfe	Winfield

Nays—3

Lovelady	Weinert
Morris	

Absent—Excused

Kelley	Spears
Shivers	York

(President pro tempore in the Chair.)

#### Senate Bill 66 With House Amendments

Senator Winfield called S. B. No. 66 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—27

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Kelley	Spears
Shivers	York

#### House Concurrent Resolution 39

The President pro tempore laid before the Senate:

H. C. R. No. 39, Authorizing correction in enrolled copy of H. B. No. 200.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately.

Senator Aikin offered the following amendment to the resolution:

Amend H. C. R. No. 39 by striking out the words "the last two paragraphs" in the first resolving clause and inserting in lieu thereof the words "next to the last paragraph."

The amendment was adopted.

The resolution as amended was adopted.

#### Senate Concurrent Resolution 7

On motion of Senator Brownlee, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 7, Authorizing J. W. McDugald and others to sue the State.

The President pro tempore laid the resolution before the Senate, it was read and was adopted.

#### Senate Bill 109 on Second Reading

Senator Moore moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 109 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

#### Absent—Excused

Kelley	Spears
Shivers	York

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 109, A bill to be entitled "An Act providing for commitment of persons of unsound mind to State Institutions and Hospitals; providing for an inventory and appraisement of

all properties of such persons; providing for an inventory and appraisement of all property in the hands of the Guardian of the person who is liable for the support of an insane person, if such insane person has a Guardian, or is a Minor; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 109 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

#### Absent—Excused

Kelley	Spears
Shivers	York

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

## Nays— 2

Formby	Sulak
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Absent—Excused

Kelley	Spears
Shivers	York

## Senate Concurrent Resolution 16

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 16, Authorizing survivors of John S. Bagwell and wife to sue the State.

The President pro tempore laid the resolution before the Senate, it was read by the Secretary, and was adopted by the following vote:

## Yeas—27

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Kelley	Spears
Shivers	York

## House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 259, to the Committee on Counties.

H. B. No. 260, to Committee on Counties.

H. B. No. 338, to Committee on Finance.

H. B. No. 273, to Committee on Highways.

H. B. No. 258, to Committee on Counties.

H. B. No. 245, to Committee on State Affairs.

H. B. No. 236, to Committee on Counties.

H. B. No. 225, to Committee on Counties.

H. B. No. 206, to Committee on State Affairs.

H. B. No. 171, to Committee on Stock and Stock Raising.

H. B. No. 165, to Committee on Civil Jurisprudence.

H. B. No. 153, to Committee on Civil Jurisprudence.

H. B. No. 148, to Committee on Counties.

H. B. No. 147, to Committee on Counties.

H. B. No. 146, to Committee on Civil Jurisprudence.

H. B. No. 145, to Committee on Civil Jurisprudence.

H. B. No. 137, to Committee on Finance.

H. B. No. 56, to Committee on Public Lands and Land Office.

## Adjournment

On motion of Senator Metcalfe, the Senate, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**In Memory of**  
**Judge Wright C. Morrow**

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Senator Moore offered the following resolution:

(Senate Resolution 40)

Whereas, On October 6, 1942, Judge Wright C. Morrow, a former Member of the Senate of Texas and former Presiding Judge of the Court of Criminal Appeals of Texas, was called to the great beyond; and

Whereas, In his passing the State of Texas has lost one of its ablest servants and an honored citizen; now, therefore, be it

Resolved by the Senate of Texas, That we express our deep regret over the passing of this outstanding citizen, lawyer, and Christian gentleman, and that we extend our sympathy to his family on their great loss; be it further

Resolved, That as a memorial to Judge Morrow there be printed in the Permanent Journals of the Senate of Texas the resolution adopted by the Hill County Bar Association which has been spread upon the minutes of the Court of Criminal Appeals of Texas, and that when the Senate adjourns today it do so in memory of Judge Morrow; be it further

Resolved, That a copy of this resolution be mailed to each member of the family of Judge Morrow.

**MOORE,  
LEMENS.**

The resolution was read and was adopted unanimously.

[Note—The text of the resolution of Hill County Bar Association referred to in the foregoing resolution appears on the following pages of the Journal.]

## Resolution of Hill County Bar Association

The following is the text of the resolution on the death of Judge W. C. Morrow adopted by the Hill County Bar Association:

In the death of Judge W. C. Morrow, on October 6, 1942, the Bar of Texas has lost one of its most distinguished members; the Bar of Hill County, one who was loved and honored by us all; the State, a citizen and public servant who was always faithful to the trusts imposed in him; the family, a devoted and tender father.

Born October 12, 1858, in the State of Kentucky, of sturdy Irish parents, Wright Chalfant Morrow assumed the responsibilities of manhood in 1876, when, at seventeen years of age, he accepted the challenge and the promise of the vast opportunities of the frontier empire of Texas, and came alone to settle in Fort Worth. In three short years he had acquired a half interest in the drug business of his employer, but Wright C. Morrow and hope and ambition walked hand in hand, and in 1879, with his stock of goods loaded in a wagon, he pushed on to the small town of Whitney in Hill County, then the terminus of the Texas Central Railroad, and there he constructed the town's first building and operated his drug business in partnership with Mr. George Dashwood until 1885 when he moved to Hillsboro.

Following his marriage to Fanietta Tarlton it was not unnatural that he should have turned aside from his drugs and adopted the Law as his life's work. Two of his wife's brothers, B. D. Tarlton and G. D. Tarlton, were already gaining stature in the legal profession; and with their teaching and inspiration and his own ambition and determination he qualified for and was admitted to practice in 1887 after attending the University of Virginia that summer. The strength of the fabric and the framework of his legal education is attested not alone by his attainments but by the attainments of his teachers as well. Judge B. D. Tarlton moved inexorably to the top of his profession—he served as Chief Justice of the Fort Worth Court of Civil Appeals by appointment of Governor Hogg, as a Professor of Law at the University of Texas, and as a member of the Supreme Court Commission of Appeals. Judge G. D. Tarlton became recognized as one of the most careful and outstanding Title Lawyers of Texas, and there is hardly an abstract of title made in Hill County between 1890 and 1930 but that bears his pencilled notations as examining attorney.

Except for a period of two and a half years when he served as County Judge of Hill County, Judge Morrow was content with and intrigued by his private practice. Successively as a member of the firms of Tarlton and Morrow, Wear, Morrow & Smithdeal, and Morrow & Smithdeal, over a period of twenty-two years, from 1890 to 1912, and thereafter with his sons Tarlton and William, he met and crossed swords in the courtroom with such outstanding and distinguished lawyers as Hon. Nelson Phillips, later Chief Justice of the Supreme Court of Texas, Hon. Thomas B. Greenwood, later and Associate Justice of the Supreme Court, Hon. W. F. Ramsey, later a Judge of the Court of Criminal Appeals and of the Supreme Court, Hon. M. M. Crane, later Lieutenant Governor and Attorney General of Texas, Judge George Clarke of the Court of Appeals, and Hon. T. S. Smith, later Attorney General of Texas, and in this setting

he was no less conspicuous and successful than his opponents. It was during this period of his practice that it was told of him by one of his contemporaries that he always had and exhibited such an innate sense of fairness in the trial of his cases that opposing litigants were apt to seek his advice about their chances of winning their cases.

In 1912 Judge Morrow was elected to membership in the State Senate and he served his district and his State as a legislator until his election as an Associate Justice of the Court of Criminal Appeals in 1916. Later he was elevated to Presiding Judge of the Court and served in that capacity until his retirement in 1939. While he was Presiding Judge and the Associate Justices were F. L. Hawkins and O. S. Latimore, the Court of Criminal Appeals was described by Underhill, an authority on criminal evidence, as the greatest Court of Criminal Appeals in the world.

The closing days of his life were spent in his old home and among his old friends here in the City of Hillsboro where fifty-seven years before he had planted the seeds of his wisdom, his wit and his charm.

Remembering how simple was Judge W. C. Morrow in his greatness and how unassuming in his relations with those among whom he lived for so many years, we deem it proper to refrain from what might have seemed to him to be extravagant eulogy.

His was the charm and the grace of the Southern gentleman; his character was as rugged and as Christian as the State which nurtured him. The law was both his master and his servant; it shaped and guided his thoughts and his thinking and he used and bent its elastic principles to do justice to all men before him. As a man he was respected and loved; as a lawyer and a Judge he was admired and honored. His opinions which will be found in the law books for many years to come will be cited as models of simplicity and conciseness; he was not given to unneedful verbosity or prolixity. While serious and dignified in his demeanor, his sense of humor never deserted him. His life was crowned with the justifiably prideful knowledge that he had reared three noble sons, all outstanding in the legal profession which he loved, and one beloved daughter.

Be It Resolved: That we tender to his sons, all of whom are worthy to bear his great name, and to his beloved daughter our tenderest sympathy and this evidence of our affectionate regard.

That a copy of these resolutions be spread upon the Journal of the House, and that a copy of this resolution also be sent to each of his four (4) children, namely; Mrs. Lyde Guthrie, Hon. Tarlton Morrow, and Hon. Wright Morrow of Houston, Texas, and Hon. William C. Morrow of Hillsboro, Texas.